

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIAM A. SMITH and JOSE LEMUS,

Plaintiffs,

No. C 07-02126 JSW

v.

PACIFIC GAS AND ELECTRIC COMPANY,

**ORDER RE OBJECTIONS TO
EXHIBITS**

Defendant.

The Court has received the parties evidentiary objections and responses regarding certain exhibits. The Court rules on the objections as follows:

1. the Court sustains the objections to Exhibits 1-19, 21-22, 32, 61 unless Plaintiff demonstrates that these exhibits were actually presented to the decision-maker;
2. the Court sustains the objection to Exhibits 20;
3. the Court sustains the objections to Exhibits 48-55 unless Plaintiff has a previously designated expert witness qualified to provide testimony regarding whether such statistical evidence controls for factors other than discrimination based on national origin and is statistically significant; and
4. the Court overrules the objections to Exhibits 56-60 on the condition that Plaintiff lays a proper foundation by a competent witness.

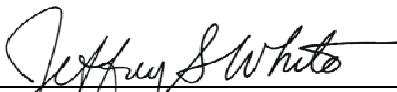
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IT IS SO ORDERED.

Dated: May 19, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE